



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 17, 2018

By ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States of America v. Evan Greebel,*
Criminal Docket No. CR-15-0637 (KAM) (E.D.N.Y.)

Dear Judge Matsumoto:

The United States respectfully requests that Your Honor “So Order” the enclosed proposed order, terminating the writ of continuing garnishment issued to Charles Schwab & Co., Inc., as garnishee, pursuant to 28 U.S.C. § 3205(c)(10)(A). See Exhibit A, Proposed Order. The writ of continuing garnishment should be terminated because Charles Schwab & Co., Inc., has no property in its possession, custody or control in which the debtor-defendant in the above-referenced case, Evan Greebel (the “Defendant”), has an interest.

By way of background, on August 17, 2018, the Defendant was sentenced, among other things, to pay restitution in the amount of \$10,446,979, in connection with his conviction for conspiracy to commit wire fraud and conspiracy to commit securities fraud. The Court ordered: “Restitution is due and payable immediately from available assets or shall be paid at a minimum quarterly rate of \$25 while in custody, and 15% of his gross monthly income after deductions required by law, or \$500 per month, whichever is greater, until paid in full.” See Judgment, p. 5 of 7.

On November 15, 2018, the United States initiated two garnishment proceedings, pursuant to the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001, et seq. The garnishment proceedings were initiated with respect to garnishees Charles Schwab & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith, Inc.

On December 3, 2018, garnishee Charles Schwab & Co., Inc., filed an answer of the garnishee, in which it indicated that it had no property in its possession, custody or control in which the Defendant had an interest. See Docket Entry 700. The undersigned Assistant United States Attorney contacted a representative of Charles Schwab, who informed the undersigned that the appropriate garnishee is “Charles Schwab Retirement Plan

Services.” The United States initiated a garnishment proceeding with respect to that entity on December 13, 2018.

Because Charles Schwab & Co., Inc., has no property in its possession, custody or control in which the Defendant has an interest, the writ of continuing garnishment issued to that entity should be terminated. Accordingly, the United States respectfully requests that the Court terminate the writ of continuing garnishment issued solely to that entity. The enclosed proposed order does not affect the garnishment proceedings that have been initiated with respect to Merrill Lynch, Pierce, Fenner & Smith, Inc. and Charles Schwab Retirement Plan Services.

We thank the Court for its consideration of this request.

Respectfully submitted,

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Encl.

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